HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 3200 of 2007

DATED: 20-02-2007

Between:

Polepalli Tirupathi Reddy and others

…Petitioners

and

The Municipal Corporation of Warangal, rep. by its Commissioner, Warangal District

…Respondent.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3200 of 2007

ORAL ORDER:

The petitioner, 11 in number, are aggrieved that in respect of the properties owned and possessed by them, the Municipal Corporation of Warangal-the respondent and its agents have come on to the plot (of the petitioner) on 14-2-2007 and attempted to put a fencing around the compound wall of the plots claiming that the land belongs to the Corporation and is earmarked for the park. The petitioners resisted the said action. As the action is persisting, they are before this Court.

As is apparent from the pleadings in the writ petition (para 4), there appear to be potential disputes as to the entitlement of the property between the petitioner on the one hand and the respondent on the other. The respondent-Corporation is of the view that the lay out shows these plots as earmarked for a park as per the lay out submitted by the society and thereafter sold to the petitioners, or it may even be that the respondent-Corporation is under misapprehension as to the earmarking of this area. There is also possibility that there is dispute as to the petitioners' entitlement to the plots in question. In any event, from the framework of the writ petition, there are potentially disputed questions of facts involved, which are more appropriately resolved before the civil court of competent jurisdiction and not under Article 226 of the Constitution.

On the aforesaid analysis, the writ petition is dismissed. The petitioners are at liberty to seek appropriate relief before the civil court of competent jurisdiction including for interim relief. There shall be no

order as to costs.

GODA RAGHURAM, J

20-02-2007
GRR